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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/766,576	01/27/2004	David Maxwell Cannon	SJO920030087US1	3882	
46917 7590 03/27/2007 KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210			EXAM	EXAMINER	
			ROSE, HELENE ROBERTA		
	EVERLY DRIVE, SUITI LLS, CA 90212	E 210	ART UNIT	PAPER NUMBER	
		•	2163		
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			MAIL DATE	DELIVERY MODE	
	•		03/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

7. 😘						
	Application No.	Applicant(s)				
Advisory Action	10/766,576	CANNON ET AL.				
Before the Filing of an Appeal Brief	Examiner	Art Unit				
·	Helene Rose	2163				
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED <u>23 March 2007</u> FAILS TO PLACE THIS AF	PLICATION IN CONDITION FOR A	ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)			
a) The period for reply expiresmonths from the mailin	-					
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN						
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as			
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS						
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because						
(a) They raise new issues that would require further consideration and/or search (see NOTE below);						
 (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or 						
(d) They present additional claims without canceling a	(d) They present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE: (See 37 CFR 1.116 and 41.33(a)).			(DTOL 204)			
 The amendments are not in compliance with 37 CFR 1.1 Applicant's reply has overcome the following rejection(s) 		mpliant Amendment	(PTOL-324).			
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non-allowable claim(s). 7. Tor purposes of appeal, the proposed amendment(s): a)		II be entered and an e	explanation of			
how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	vided below or appended.	•				
Claim(s) objected to: Claim(s) rejected: <u>1-54</u> . Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
B. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa ee 37 CFR 41.33(d)(ils to provide a 1).			
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER						
 The request for reconsideration has been considered bu <u>See Continuation Sheet.</u> 	it does NOT place the application in	n condition for allowa	nce because:			
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s)					



Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed on March 23, 2007 have been considered but are not persuasive.

Applicant is "rehashing" arguments that's already been address accordingly within the Final Office Action mailed out on 1/19/2007 (SEE pages 14-20), and therefore the reason set forth within the Final Office Action are found to be correct and in accordance with the recited claim language.

DON WONG

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100